

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
V.)	
)	NO: 04-10114-DPW
ANTONIO CARDONA and)	
JEROME LASSITER,)	
DEFENDANTS)	
)	

**EX PARTE MOTION TO RECONSIDER DENIAL OF
EX PARTE MOTION FOR EXPENSES**

Now comes the Defendant, Antonio Cardona, and moves that the Court reconsider the denial of his motion for expenses to acquire copies of tape recordings of the Defendant allegedly acquired during the course of the investigation leading to the instant indictments. The Defendant is indigent and the undersigned has been appointed to represent him.

Although there are only two defendants named in the instant indictment, the investigation resulting in the indictments also involve a total of sixteen defendants charged in a total of seven indictments. The government has indicated that it will make available one copy of all tape recordings for examination and review by all counsel, and one copy for incarcerated defendants to be provided at their places of detention. There are approximately one hundred audiotapes and several videotapes. Not all tapes are directly relevant to the Defendant Cardona and he seeks copies of those tape recordings on which he allegedly appears and which have

been identified to the undersigned in automatic discovery provided by the government.¹

Without access to the tape recordings and videotapes counsel cannot adequately investigate or prepare a defense. It is not practical to require counsel for the Defendant Cardona to travel from Fitchburg to Boston to review tape recordings and videotapes in a location designated by the government without the ability to utilize his office staff and equipment or to privately review the material with experts, investigators or witnesses for the Defendant. Accordingly, the Defendant moves for reconsideration and allowance of his *ex parte* motion for expenses and requests that the same be allowed.

Respectfully submitted
The Defendant, by his attorney

/s/ Edward P. Ryan, Jr.

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¹ Other video or audiotapes may prove relevant and necessary for either the government or the defendant. However, the Defendant does not seek copies of all tapes at this time.